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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 08-431 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
JEREMY CRUZ ESPERANTE,)	
)	
Defendant.)	
_____)	

On August 13, 2008, the parties appeared before the Court for a status conference in this case. At that time, the parties requested, and the Court agreed, to exclude all time under the Speedy Trial Act between August 13, 2008 and September 10, 2008. The parties represented that the requested continuance was a reasonable amount of time necessary for effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

1 The parties also agreed that if the defendant files a motion on August 27, 2008 and the
2 Court hears argument on that motion on September 10, 2008, as contemplated, time should be
3 excluded absent stipulation from August 27, 2008 through the date the Court disposes of the
4 motion. 18 U.S.C. § 3161(h)(1)(F).

5
6 SO STIPULATED:

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8 JOSEPH P. RUSSONIELLO
United States Attorney

9
10 DATED: August 15, 2008

/s/

11 TAREK J. HELOU
Assistant United States Attorney

12
13 DATED: August 15, 2008

/s/

14 DANIEL BLANK
Attorney for Defendant JEREMY CRUZ ESPERANTE

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16 For the reasons stated above, the Court finds that exclusion of time from August 13, 2008
17 through September 10, 2008 is warranted and that the ends of justice served by the continuance
18 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
19 3161(h)(8)(A). Failure to grant the requested continuance would deny the defendant effective
20 preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §
21 3161(h)(8)(B)(iv).

22
23 SO ORDERED.

24
25 DATED: _____

26 THE HONORABLE PHYLLIS J. HAMILTON
United States District Judge